

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GAYSHA GLOVER and
COURTNEY GRIFFIN, individually
and on behalf of the ESTATE OF
D’ETTRICK GRIFFIN,

Plaintiffs,

versus

CITY OF ATLANTA; ERIKA
SHIELDS; OLIVER SIMMONDS;
and DOES 1–5,

Defendants.

Civil Action File No.
1:20-cv-04302-VMC

**PLAINTIFFS’ MOTION FOR
LEAVE TO FILE SUPPLEMENTAL
BRIEF IN SUPPORT OF
PLAINTIFFS’ OPPOSITION TO
DEFENDANT CITY OF
ATLANTA’S MOTION FOR
SUMMARY JUDGMENT**

As the Court is aware, Defendant Oliver Simmonds has been indicted and is set to stand trial for the murder of Plaintiffs’ son, D’Ettrick Griffin. In that criminal proceeding, Simmonds claimed immunity from prosecution pursuant to O.C.G.A. § 16-3-24.2. Under O.C.G.A. § 16-3-24.2, a person is immune from prosecution for a use of force if they can prove by a preponderance of evidence that they acted in self-defense. On February 8, 2024, a hearing was conducted in which Defendant Simmonds attempted to meet that burden. The Superior Court of Fulton County ruled that Simmonds could not meet the burden of establishing by a

preponderance of evidence that his life was in danger, and he acted in self-defense when he shot D'Ettrick Griffin.

The transcript of the hearing was completed and received by Plaintiffs on May 21, 2024. It shows that Defendant Simmonds has given yet another version of facts, under oath, which contradicts his prior statements and sworn testimony. Like Simmonds' various previous statements, this testimony is relevant to the dispositive motions pending before the Court, including Plaintiffs' Opposition to Defendant City of Atlanta's Motion for Summary Judgment. Briefing on dispositive motions was concluded on December 15, 2023, prior to Simmonds' testimony in the criminal proceedings. Accordingly, Plaintiffs respectfully request leave to file the short supplemental brief attached as Exhibit A.

DATED: May 23, 2024.

/s/Eric S. Fredrickson

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that the foregoing pleading complies with the font and point selections approved by the Court in Local Rule 5.1B. This pleading has been prepared in Times New Roman font, 14 point.

CERTIFICATE OF SERVICE

I certify that today I served a true and correct copy of the following document using the Court's CM/ECF system, which will automatically serve a copy on all counsel of record, and on Defendant Oliver Simmonds via first class mail addressed as follows:

Oliver Simmonds
397 Whitney Lane
McDonough, GA 30253

DATED: May 23, 2024.

/s/Eric S. Fredrickson
Eric S. Fredrickson
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